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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/003,213

10/29/2001

Rajinder N. Vohra

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7590

10/06/2003

DRINKER BIDDLE & REATH
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18TH AND CHERRY STREETS
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EXAMINER

BOS, STEVEN J

ART UNIT

PAPER NUMBER

1754

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,213

Applicant(s)

VOHRA ET AL.

Examiner

Steven Bos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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The disclosure is objected to because of the following informalities: each occurrence of Be' is unclear as to what this is to mean or represent. On page 8, line 15, "from brine 3-24⁰Be'" is ungrammatical and unclear.

Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, "produce granular calcium sulfate through a seeding process" is indefinite as to the metes and bounds of this phrase and as to how the granular calcium sulfate can be produced "through a seeding process."

In claims 1,6,7,14, "Be'" is indefinite as to what this is to mean or represent.

In claim 1, step vi, "recovering potassium chloride" is indefinite as to what it is recovered from and as to its antecedent basis, ie. where did it come from? Bittern only contains magnesium salts and bromides.

In claim 1, step viii, "optionally" is indefinite as to whether this refers to the "solidifying" or the "calcining" or both.

In claim 1, step viii, "calcining" is indefinite as to what is being calcined, the solidified part of the end bittern or the part that is not solidified.

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In claim 1, step viii, "for preparing calcium chloride for use step (i)" is indefinite as to the metes and bounds of this phrase and it is ungrammatical. It is unclear how magnesium oxide and hydrochloric acid are used for "preparing calcium chloride."

In claim 2, it is unclear how the calcium chloride can have a concentration "in 0.8-1.2 mole of calcium to sulfate"

In claim 3, it is unclear what "residual sulfate" refers to since desulfated brine is being treated. Desulfated means that there is no residual sulfate.

In claim 4, a marine chemical can be common salt however in the preamble of claim 1 common salt and marine chemicals are recited as being recovered which renders claim 4 indefinite because then claim 1 would mean that common salt and common salt are being recovered.

In claim 9, "the reduction of sulfate" lack(s) proper antecedent basis in the claim(s).

In claim 9, "adding calcium chloride" is indefinite as to what it is added to.

In claim 9, "calcium chloride produced *in situ*" is indefinite as to what this means and as to where in the instantly claimed process the calcium chloride can be produced *in situ*.

Claim 10 is indefinite as to what "in stoichiometric ratio ... hydrochloric acid" is to mean or refer to.

In claim 10, "magnesium chloride of end bitter" is indefinite as to what this is to mean.

In claim 11, it is indefinite as to what is meant by removing calcium sulfate from desulfated brine being facilitated through a seeding technique as it is unclear how a "seeding technique" can remove anything. Seeding generally means forming seeds not removing anything.

In claim 11, "removal of calcium sulfate from desulfated brine" lack(s) proper antecedent basis in the claim(s) because claim 1 recites the separation of calcium sulfate from brine not from "desulfated brine."

In claim 12, "said brine" is indefinite as to which brine this refers to, the original brine or the calcium chloride treated brine or the calcium sulfate separated brine.

In claim 13, "desulfatation" is indefinite as to which part of the process is considered to be such and how this can be carried out in solar pans because solar pans are generally used for concentrating liquids whereas desulfatation refers to the decanting, filtering or removal of calcium sulfate from the brine.

In claim 14, "significant loss" is indefinite as to what the metes and bounds of this phrase are.

Claims 1-14 appear allowable over the cited prior art of record none of which teaches or suggests the instantly claimed combination of process steps.

The cited prior art is considered relevant to the instant claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Bos whose telephone number is 703-308-2537. The examiner can normally be reached on M-F, 8AM-6PM but is on increased flexitime sch.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 703-308-3837. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

A handwritten signature in black ink, appearing to read 'S. Bos', is positioned above the printed name and title.

Steven Bos
Primary Examiner
Art Unit 1754

sjb